

REMARKS

Claims 1-5 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §103 as being unpatentable over Szlam (U.S. Patent No. 5,511,112) in view of Garcia (U.S. Patent No. 7,006,607) and further in view of Elazar (U.S. Patent No. 6,542,602). This rejection is respectfully traversed for the following reasons.

Prior to addressing the merits of the rejection, Applicant requests that the finality of the Office Action be withdrawn. The Examiner has alleged, in making the rejection final, that the amendments to the claims necessitated the amendment. Applicant respectfully disagrees. The amendments were made in the previous response solely to improve the form of the claims, and they did not change the scope of the claims. The feature that the newly cited Elazar patent is alleged to disclose, that is, the idea that the message concerns the content between the caller and agent, was previously present in the claim before the amendment. Thus, the amendment to the claims did not necessitate the citation of the newly cited reference. Accordingly, Applicant requests that the finality of the rejection be withdrawn. If the Examiner is inclined to deny this request, Applicant respectfully requests that this amendment be treated as a petition to the supervisor for purposes of resolving this issue.

Turning now to the merits of the rejection, claim 1 recites a method for operating a call center, wherein incoming external telephone calls by callers are automatically distributed to terminals to be answered by call center agents, comprising the process steps of connecting an external call to a free terminal of an agent, storing a message created by the agent concerning

content of the call between the caller and the agent, agent at the same time or shortly before the call is forwarded, automatically assigning the message to the existing connection, forwarding the call to a separate hold line, if an acoustic pause occurs, the length of which either the agent no longer wants to tolerate or which is no longer accepted by the call center system, renewing connection of the held call to a free terminal of an agent after the caller is ready to continue the call, and playing the message assigned to the held connection at the agent's terminal in such a way that the message is audible only for the agent. This is not taught, disclosed or made obvious by the prior art of record.

The remarks presented in the response filed on December 18, 2007, are incorporated herein by reference. Further Applicant submits that amended claim 1 is patentable for the additional reasons discussed below.

Claim 1 has been amended to reorder the paragraphs, and recite "forwarding the call to a separate hold line, if an acoustic pause occurs, the length of which either the agent no longer wants to tolerate or which is no longer accepted by the call center system." Support for this amendment is found, for example, on page 2, lines 19 – 23. Claim 1 has also been amended to recite "storing a message created by the agent concerning content of the call between the caller and the agent at the same time or shortly before the call is forwarded." Support for this amendment is found, for example, on page 2, line 23 through page 3, line 1. Further, claim 1 has been amended to recite that the connection of the held call to a free terminal of an agent is renewed after the caller is ready to continue the call". Support for this amendment is found on page 3, lines 2 – 4.

Szlam, which corresponds to the EP 0 515 068 patent cited and discussed in the amended page 2 of Applicant's specification, discloses a method for operating a call center, wherein incoming external telephone calls are automatically distributed to terminals to be answered by call center agents. If a waiting time of expected longer duration occurs for the agent, the agent can have the call handled automatically in the meantime. For this purpose, the agent speaks the caller's name into a recording system. The spoken name is saved and used, together with an automated voice announcement for the caller, which is played for the caller when the call is put on hold (see col. 15, lines 50-51, which indicates that the message recorder 10a9 is a name recording device, and col. 8, lines 42-48, which indicates that the message is played as soon as the call is put on hold as the caller is instructed to signal his/her presence on the line). The message recorded by the agent is thus intended to provide information to the caller when the call is put on hold, and not for the agents when the connection is renewed. In step 44, referred to in the Office Action, the message player 10a9 is activated (see col. 15, lines 51-53). But this message player plays the message recorded for the caller. If the caller desires a renewed personal consultation, a connection to a free terminal of an agent is again established. However, there is no suggestion that the stored message is played again at that time so that only the agent hears it. Thus, this reference does not meet the claim limitation of "playing the message assigned to the held connection at the agent's terminal in such a way that the message is audible only for the agent" recited in claim 1.

The Office Action also asserts that Szlam discloses the automatic assignment of the message to the existing connection. Applicant respectfully disagrees. The stored message (the desired party's name) is stored and immediately played back when the connected party is put

on hold and told to signal his/her presence. Col. 8, line 45-48. There is no disclosure that the message is assigned to the existing connection as recited in claim 1; the message is played back seemingly immediately, so there is no need for it to be automatically assigned.

Further, there is also no disclosure in either patent that the call is forwarded to a separate hold line, as recited in claim 1. Szlam discloses that the agent is transferred to another call (col. 8, lines 42-43). Though Szlam discloses placing the call on hold, there is no disclosure that it is placed on a separate hold line, as opposed to being placed back in the queue of new callers, for example.

The Office Action alleges that Garcia teaches elements missing from the disclosure of Szlam: that the message stored concerns the content of the call between the caller and the agent and that the playback of the message is at the subsequent agent's terminal. Applicant respectfully disagrees.

Garcia discloses a system by which an agent can *prerecord* information about callers, which can then be played back automatically when the system determines that the caller has called. This is most clearly set forth in claim 3, in column 14, lines 12-22. There is no disclosure in the patent that the message is concerns the content of the call between the caller and the agent. In fact, since it is prerecorded, it is clear that the message does not concern the content of the call. Therefore, even if the message is played back at the agent's terminal, the reference does not meet the deficiency that Szlam does not teach that the message stored concerns the content of the call.

The Office Action points to the passage in Garcia which states that "there are limitless possibilities", at col. 9, line 61. This statement is nothing more than a suggestion that

someone reading the patent can try an infinite number of possibilities. Further, the next sentence in the patent states that “[t]he functional options available through module 87 are limited only by *pre-knowledge* about caller information and the extent of detail used in identifying the source of an event.” Col. 9, lines 61-64 (emphasis added). This also indicates that the stored message is not about the content of the call – it is based on pre-knowledge of caller information. Thus, Applicant respectfully submits that the solution provided by Applicant's claimed invention can only be seen as one of the "limitless possibilities" with impermissible hindsight reference to Applicant's disclosure.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action. Claims 2-5 depend from and include the recitations of claim 1. Applicant respectfully submits that claims 2-5 are patentable in and of themselves, and as they depend from claim 1, at least for the reasons discussed above with respect to claim 1. If the Examiner is inclined to maintain the rejection, he requested to call the undersigned to arrange an interview to advance prosecution of this application.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to the effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Appln. No. 10/507,102
Amdt. dated July 18, 2008
Reply to Office action of March 24, 2008

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /Ronni S. Jillions/
Ronni S. Jillions
Registration No. 31,979

RSJ:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\R\rieb\KUNKEL1\pto\2008-06-24AmendmentKUNKEL1.doc